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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,617

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Koji Tsukimori

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EXAMINER

ZAMAN, FAISAL M

ART UNIT

PAPER NUMBER

2111

MAIL DATE

DELIVERY MODE

12/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/799,617	TSUKIMORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Faisal M. Zaman	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

***Claim Objections***

1. Claim 35 is objected to because of the following informalities: in line 1, replace "device drive" with --device driver--. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 9-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter, "AAPA") and Iizuka et al. ("Iizuka") (U.S. Patent No. 5,680,596).

**Regarding Claims 9, 16, 20, 23, and 32**, AAPA teaches an editing system comprising:

A computer (AAPA, paragraph 2 under Description of Related Art; i.e., the "personal computer").

A timing notice apparatus having a controller and a timing generation unit, said timing generation unit being adapted to extract frame synchronization information from a reference signal, wherein said frame synchronization information extracted from said reference signal is a timing notice signal (AAPA, paragraph 2 under Description of

Related Art; i.e., the component in the “personal computer” that performs the synchronization function is interpreted as the claimed “timing notice apparatus”).

AAPA does not expressly teach the computer having a computer interface unit, said computer interface unit being adapted to transmit an acquisition command and to receive a timing notice signal; and

Said controller of said timing notice apparatus being adapted to receive said acquisition command and to transmit said timing notice signal,

Wherein said timing notice apparatus transmits said timing notice signal upon receipt of said acquisition command, said timing notice signal being transmitted according to a predetermined timing of image data.

In the same field of endeavor (e.g., time synchronization among components in a computer system), Iizuka teaches a computer (Iizuka, Figure 2, item 1) having a computer interface unit (Iizuka, Figure 2, item 18), said computer interface unit being adapted to transmit an acquisition command (Iizuka, Figure 5, item SC7, Column 6, lines 28-31; i.e., the “tuning data request command”) and to receive a timing notice signal (Iizuka, Figure 5, item SC8, Column 8, lines 31-36; i.e., the “tuning data signals”); and

A controller (Iizuka, Figure 2, item 29) of a timing notice apparatus (Iizuka, Figure 2, item 2) being adapted to receive said acquisition command and to transmit said timing notice signal,

Wherein said timing notice apparatus transmits said timing notice signal upon receipt of said acquisition command, said timing notice signal being transmitted

according to a predetermined timing (lizuka, Column 4, lines 7-10) of image data (lizuka, Column 3, lines 52-62).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined lizuka's teachings of time synchronization among components in a computer system with the teachings of AAPA, for the purpose of minimizing the data transfer time without causing an erroneous operation in a given operational environment (see lizuka, Column 1, lines 58-61).

**Regarding Claims 10, 19, 28, and 34**, lizuka teaches wherein said computer waits to receive said timing notice signal (lizuka, Figure 5, item SC8).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claims 10, 19, 28, and 34.

**Regarding Claims 11, 17, 21, and 29**, lizuka teaches wherein said acquisition command is transmitted over a universal serial bus (lizuka, Figure 2, item 3; i.e., it would be obvious to one of ordinary skill in the art to use a USB cable for cable 3 for the purpose of increased data transmission speeds).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claims 11, 17, 21, and 29.

**Regarding Claims 12, 18, 22, and 30**, lizuka teaches wherein said timing notice signal is transmitted over a universal serial bus (lizuka, Figure 2, item 3; i.e., it would be

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obvious to one of ordinary skill in the art to use a USB cable for cable 3 for the purpose of increased data transmission speeds).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claims 12, 18, 22, and 30.

**Regarding Claim 13**, Iizuka teaches wherein said timing notice apparatus receives operating power from said computer over a universal serial bus (Iizuka, Figure 2, item 3; i.e., power can be provided over the USB cable using the V<sub>BUS</sub> and GND lines).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claim 13.

**Regarding Claims 14 and 25-27**, AAPA teaches wherein said predetermined timing is from the group consisting of frame timing and field timing (AAPA, Page 1, lines 5-13 under Description of Related Art).

**Regarding Claims 15, 31, and 33**, Iizuka teaches wherein said computer interface unit transmits said acquisition command in response to a command received through an operation unit (Iizuka, Figure 2, item 11).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claims 15, 31, and 33.

**Regarding Claims 24, 35, and 36**, Iizuka teaches re-transmitting said acquisition command from said editing apparatus to said timing notice apparatus, said editing apparatus re-transmitting said acquisition command upon receipt of said timing notice signal (Iizuka, Figure 5, items SC8 and SC9, Column 7, lines 11-17; i.e., it would be obvious to one of ordinary skill in the art to increase the baud rate for each time a tuning data request command is received, and retransmit the tuning data signals to the computer 1 for the purpose of having the fastest possible baud rate).

The motivation that was used in the combination of Claim 9, super, applies equally as well to Claim 24, 35, and 36.

### ***Response to Arguments***

4. Applicant's arguments filed 11/14/2008 have been fully considered but they are not persuasive. Applicant argues that "the timing notice signal within the claims of the present invention is frame synchronization information that has been extracted from a reference signal", and "the Office Action fails to show where within Iizuka there is to be found a reference signal." However, AAPA was used to teach the feature of extracting frame synchronization information from a reference signal. AAPA teaches that a personal computer may contain a timing notice apparatus that performs the argued extracting feature, see paragraph 0002 of AAPA. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With regards to the combination of AAPA and Iizuka, Applicant argues that "Iizuka fails to disclose .... the printer 2 as extracting the frame synchronization information from the reference signal." However, as discussed above, AAPA was used to teach this limitation. Iizuka was used in the 103 combination to teach that providing a timing notice apparatus as claimed as being a separate device from a personal computer is known in the art. In the case of Iizuka, the printer 2 (equated to the claimed "timing notice apparatus") provides timing information to the computer 1 and is a separate device from the computer 1. Accordingly, the combination of AAPA and Iizuka do in fact teach all of the limitations of the claims.

Therefore, the claims stand as previously rejected.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faisal M. Zaman whose telephone number is (571)272-6495. The examiner can normally be reached on Monday thru Friday, 8 am - 5:30 pm, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/F. M. Z./  
Examiner, Art Unit 2111

/MARK RINEHART/  
Supervisory Patent Examiner, Art Unit 2111